

ONE HUNDRED THIRTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

September 8, 2014

The Honorable Sylvia Burwell  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Burwell:

Pursuant to Rules X and XI of the U.S. House of Representatives, this Committee is examining funding awarded to states to build exchanges under the Patient Protection and Affordable Care Act.

The many serious problems encountered by state based exchanges are well documented. This Committee outlined some of the more troubling examples in a June 3, 2014 letter, which requested information about state implementation grants from the U.S. Department of Health and Human Services (HHS). This letter requested that all responsive documents be produced by June 18, 2014. Despite the Committee's extensive efforts to accommodate HHS, your agency has failed to meet not only the original June 18 deadline, but also a number of extended production deadlines offered by the Committee.

In order to expedite production and to assist HHS in identifying documents, Committee staff discussed document priorities with HHS staff on June 19. Based on these conversations and representations made by agency staff, Committee staff identified categories of documents that could be produced quickly and provided a detailed list of those priorities to HHS the next day. Among other things, this prioritization allowed HHS to initially produce responsive documents on just four states of interest. On June 27, to further facilitate HHS' timely production, we additionally prioritized for immediate production the project officer summaries for Oregon, Maryland, Nevada and Massachusetts. Despite these and other accommodations and requests from the Committee, HHS neither produced the documents nor contacted the Committee to discuss the requests or the production deadline.

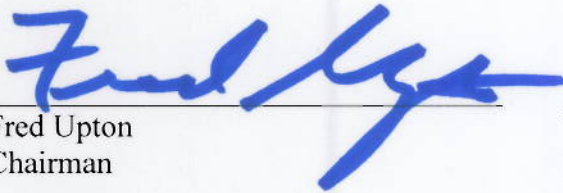
After numerous additional emails and phone calls, HHS produced only a small subset of responsive documents on July 10 consisting of two updated GAO charts, a copy of the HHS Grants Policy Statement, and copies of award notices for four states. The documents prioritized for immediate production by the Committee nearly two months ago, including the project officer

summaries, have not yet been provided. HHS has produced no other documents responsive to the Committee's request.

We now request that HHS produce all documents responsive to the Committee's June 3 request no later than September 19. We believe HHS should be able to meet this deadline because, according to HHS staff, there are a discrete number of easily identifiable custodians, as each state had a designated CMS staff member handling the implementation grants. If HHS does not meet this deadline, the Committee will consider other steps to compel their production.

Please contact Karen Christian, Sean Hayes, or Emily Newman with the Majority Committee staff at (202) 225-2927, with any questions about this letter.

Sincerely,



Fred Upton  
Chairman



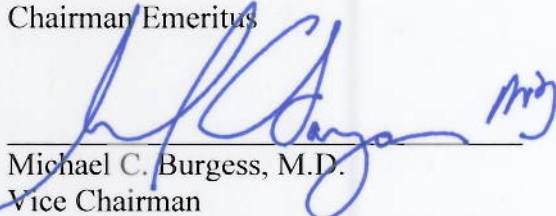
Tim Murphy  
Chairman  
Subcommittee on Oversight and Investigations



Joe Barton  
Chairman Emeritus



Marsha Blackburn  
Vice Chairman



Michael C. Burgess, M.D.  
Vice Chairman  
Subcommittee on Oversight and Investigations

Attachment

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member  
Subcommittee on Oversight and Investigations